

REMARKS

The application has been amended. Claims 15 and 19-22 have been amended. Entry of this amendment and reconsideration of application is respectfully requested.

The Examiner has rejected claims 15 and 17-22 under 35 U.S.C. §112, second paragraph, as being indefinite. The Examiner contends that if the distensible support structure of claims completely covers the tape strip then it is not possible for the distensible support structure to be in direct contact with the tubular inner body. The Examiner appears to be misinterpreting the word "covers" in the claims. The Examiner interprets the word to mean "completely enclosed", where applicant only intends the meaning to be "on top of". In order to remove any ambiguity, independent claims 15, 19 and 20 have been amended to delete the word "covers" and stress that the strip "overlies" the stent. It is believed that these amendments to the claims are by way of clarification, rather than changing the scope of the claims. Accordingly, entry thereof is respectfully requested inasmuch as such amendment overcomes the Examiner's rejection under §112.

The Examiner also contends that the phrase "in a non-overlapping pattern" is confusing and inaccurate since the tape strip overlaps the inner tubular body. Again, the Examiner appears to be reading the phrase in a manner not contemplated by the Applicant. The term "in a non-overlapping pattern" means that the assembly strip is wrapped around the tubular body such that a strip does not overlap itself when it is wrapped. It is clear from a review of the specification

and drawings of the present invention that the assembly strip does, in fact, wrap around the tubular body. Further, the assembly strip, in a preferred embodiment, is helically wound about the tubular body. Therefore, Applicant's interpretation is the only possible interpretation consistent with the specification. Reconsideration by the Examiner is respectfully requested.

The Examiner has also objected to claims 21 and 22 stating that the word "supporting" lacks antecedent basis. In each of those claims, the word supporting has been changed to "support". It is believed that the amendments to claims 21 and 22 obviate the Examiner's rejection.

Claims 8, 15 and 18-22 stand rejected under 35 U.S.C. §102(e) as being anticipated by or in the alternative under 35 U.S.C. §103(a) as obvious over U.S. Patent No. 6,264,684 to Banas.

Having amended the independent claims to clearly set forth that the assembly strip is formed by overlying a stent with a tape strip such that the stent on one side of the tape strip is positioned in direct engagement with the tubular body, this determination is respectfully traversed.

The arrangement claimed is not disclosed or suggested in Banas. As set forth in previous responses, the Banas stent is completely encased within cladding material prior to placement on the tubular graft. This provides an additional layer between the stent and the tubular body and

results in a greater cross-sectional dimension than that which is achieved in the prosthesis of the present invention. This is contrary to the presently claimed invention where the stent is "covered" only on one side and the stent is placed in direct contact with the tubular body.

As this arrangement is not disclosed nor suggested in Banas, it is respectfully submitted that the independent claims are neither anticipated nor rendered obvious thereby. As such, claims 15, 19, 20 and the claims which depend thereon, are believed to be patentably distinct thereover.

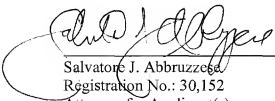
Having responded in full to the present Office Action, it is respectfully submitted that the application, including claims 15, 16 and 18-23 is in condition for allowance. Favorable action thereon is respectfully solicited.

The Commissioner is hereby authorized to charge payment of any additional fees, including additional claim fees, associated with this communication, or credit any overpayment, to Deposit Account No. 20-0776. Such authorization includes authorization to charge fees for extensions of time, if any, under 37 C.F.R § 1.17 and also should be treated as a constructive petition for an extension of time in this reply or any future reply pursuant to 37 C.F.R. § 1.136.

Docket No.: 760-7 CPA/RCE 2/DIV
Application No.: 10/643,527
Page 8

Should the Examiner have any questions regarding this response, the undersigned would be pleased to address them by telephone.

Respectfully submitted,



Salvatore J. Abbruzzese
Registration No.: 30,152
Attorney for Applicant(s)

HOFFMANN & BARON, LLP
6900 Jericho Turnpike
Syosset, New York 11791
(973) 331-1700